

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:95CV107

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
Vs.)	
)	
KEITH V. BLANKENSHIP,)	
)	
Defendant,)	<u>O R D E R</u>
)	
And)	
)	
BLOCKBUSTER, INC.,)	
)	
Garnishee.)	
)	

THIS MATTER is before the Court on the Government's application for a writ of continuing garnishment pursuant to 28 U.S.C. § 3205. The application is denied without prejudice.

The application discloses that demand for payment was made on the Defendant/Debtor on March 23, 2004. The statute requires that "not less than 30 days has elapsed since demand on the debtor for payment of the debt was made[.]" **28 U.S.C. § 3205(b)(1)(B)**. In addition, it is the custom in this Court for the judgment creditor to include with the application a notice of garnishment and instructions along with instructions to the judgment debtor for objecting to any answer of the garnishee and for obtaining a hearing. **28 U.S.C. § 3205(c)(3)(B)**. These items were not included with the application.

IT IS, THEREFORE, ORDERED that the application is hereby **DENIED** without prejudice to renewal.

Signed: July 28, 2005



Lacy H. Thornburg
United States District Judge

